

## **REMARKS/ARGUMENTS**

No amendments were made to the specification. No new matter has been added by any of the amendments to the specification.

Claims 1, 2, 4-47, 49, and 50 are pending in the present application. Claims 1, 4-7, 16, 19, 21, 34, and 36 were amended. Claims 2, 3, 20, 35 and 48 were canceled. Support for the amendment of claims 1, 19, and 34 can be found at least in the specification on page 10, lines 5-23, and on page 7, lines 14-23.

Reconsideration of the claims is respectfully requested.

### **I. Examiner Interview**

Applicants thank Examiner Zhen for the courtesies extended to Applicants' representative during the November 14, 2007 telephone interview. During the interview, amendments to claim 1 in order to overcome the obviousness rejection were discussed. The substance of the interview is summarized in the remarks of the sections that follow.

### **II. 35 U.S.C. § 103, Asserted Obviousness, Independent Claim 1**

The Examiner rejected claims 1, 2, 4-47, 49, and 50 under 35 U.S.C. § 103 as unpatentable over *House et al.*, Network-Based Configuration Method for Systems Integration in Test, Measurement, and Automation Environments, U.S. Patent No. 6,785,805 [hereinafter *House*] in view of *Kroening*, Method for Configuring Software for a Build to Order System, U.S. Patent No. 6,775,829 [hereinafter *Kroening*]. This rejection is respectfully traversed.

Applicants first address the rejection of claim 1, in which the Examiner states in part:

As to claim 1, House teaches the invention substantially as claimed including a method for loading software onto a computer [col. 20, lines 25-50], the method comprising the steps:  
receiving software requirements [configuration options; col. 14, lines 16-37 and col. 22, lines 16-50] for a given computer system [build-to-order system; col. 10, lines 40-65] from a plurality of users [an organization such as a corporation may pre-define different customized or tailored component menus that are password dependent, so that access to different component options, price limits, etc. may be provided to different employees, consultants or groups of same by entering different passwords; col. 14, lines 36-60 and col. 12, lines 29-46];

Office Action dated September 6, 2007, p. 3.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the

claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are determined, differences between the prior art and the claims at issue are ascertained, and the level of ordinary skill in the pertinent art resolved. Against this backdrop the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. April 30, 2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)). In this case, *House* and *Kroening* do not make the claimed invention obvious.

**II.A. *The Proposed Combination Does Not Teach or Suggest Receiving Software Requirements and Identifying Software Components and Configuration Options***

Amended claim 1 recites:

1. (Currently Amended) A computer implemented method for creating customized disk images for loading software onto a computer, the method comprising the steps:

receiving software requirements for a given computer system from a plurality of users, wherein the software requirements specify capabilities of software needed by the plurality of users rather than identifying specific software components that will be required;

identifying, by a provisioning server, a plurality of software components that currently exist and that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components;

identifying, by the provisioning server, a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components, wherein the provisioning server applies rules to the software requirements to identify the plurality of software components that comply with the software requirements; and

generating, by a disk image manufacturing server, a disk image using the plurality of software components and the plurality of configuration options, wherein the disk image contains said plurality of software components configured according to said respective plurality of configuration options.

The proposed combination of *House* and *Kroening*, considered as a whole, fails to teach or suggest the receiving step, the identifying step, and the generating step.

**II.A.i. The proposed combination of references, considered as a whole, does not teach or suggest “receiving software requirements for a given computer system from a plurality of users, wherein the software requirements specify capabilities of software needed by the plurality of users rather than identifying specific software components that will be required” as is claimed in claim 1.**

In comparing *House* and *Kroening* to the claimed invention, the claim limitations of the presently claimed invention may not be ignored in an obviousness determination. The Examiner has failed to state a *prima facie* obviousness rejection against claim 1 because the proposed combination of references, considered as a whole, does not teach or suggest “receiving software requirements for a given computer system from a plurality of users, wherein the software requirements specify capabilities of software needed by the plurality of users rather than identifying specific software components that will be required” as is claimed in claim 1.

In rejecting claim 1, the Examiner cites to *House* at column 14, lines 16-37, which is as follows:

Upon selection of Key Account Systems and Services 112 (coupled with successful completion of password function 116), a graphical interface may then be displayed comprising a specialized or tailored menu of integrated TMA system configuration options available to a specific online user 104, or specific group of such online users, as that user or group of users is identified during completion of password function 116. The tailored contents of such a tailored or specified list may be pre-defined by a specific user (e.g., a corporation for use of its employees or consultants) to include a list of specific component types, component brands, component configurations, component prices, system total price, delivery time, etc. In this regard, a list may be so-defined in any manner to reflect, for example, a users’ desire to price and order standardized integrated test systems and/or to limit price and/or delivery time. Once Key Account Systems and Services 112 is initiated by a particular online user 104, a set of graphical interfaces may be displayed and completed by user 104 in a manner similar to that described for System Specific Systems and Services 110.

The passage of *House* cited above discloses a method for allowing users to select specific software components and configurations options. *House* discloses a method for the individual user to select specific components and configuration options, requiring the user to determine which components and configuration options will meet his or her requirements. *House* discloses a graphical user interface displayed to a user or group of users comprising a menu of specific configuration options and specific software components. The menu of specific configuration options and software components is specialized or tailored to include specific components pre-defined by a specific user. The cited portion of *House* fails to teach or suggest receiving software requirements that specify capabilities needed by a plurality of users rather than identifying specific software components.

The Examiner also cites to *House* at col. 22, lines 16-50, which states:

In the case of custom engineering services category **206** one or more custom system features are specified by an online user **104** (e.g., system characteristics or operating parameters such as number and types of signals going into the system, functionality, bus protocol, software requirements, bus interface, etc.). Hardware and/or software components necessary to assemble an integrated system having the specified custom features are not pre-existing or available “off the shelf” so that custom engineering services are required, for example, as performed by engineering department **130** of **FIG. 1B** described elsewhere herein. An example of custom hardware engineering services **216** that may be performed in the fabrication of an integrated hardware system having user-specified custom features would be design, assembly, testing and delivery of the hardware components of an integrated system based on user specification of the number of signal types going into the system and the system interface. An example of custom engineering software services **218** that may be performed in the fabrication of an integrated software system having user-specified custom features would be the design of a software instrument driver. It will be understood that a combination of custom engineering services **216** and **218** may be performed or supplied in relation to a given particular integrated system having hardware and software components. Pricing of a custom engineered and assembled integrated system may be provided as a quote to an online user **104** using any suitable formula or algorithm that takes into account engineering service cost, materials cost, assembly cost, business expenses (such as overhead), profit margin, estimated development time, etc. This may be done, for example using an algorithm such as described below in relation to **FIG. 8**.

The passage of *House* cited above discloses a user specifying custom system features that may include software requirements. *House* discloses a user selecting specific custom features. *House* further discloses the specified custom system features requiring assembly by an engineering department. However, *House* does not teach or suggest receiving software requirements that specify capabilities of software needed by a plurality of users. *House* does not even mention software requirements that specify capabilities needed by a plurality of users.

Finally, during the Examiner Interview of November 14, 2007, the Examiner cited to the additional portions of *House* below:

Thus in one embodiment a method is provided for online ordering and configuration of integrated systems that advantageously allows the complexity of the configuration, engineering, and/or assembly required for a customized integrated system to be reflected in an automatically generated online price quote. This ability to automatically generate quotes for custom integrated systems greatly facilitates the customization and purchase of such systems, by reducing both the user time and vendor manpower associated with configuring and pricing such systems, and by allowing a user to vary component and system requirements to determine cost and/or delivery time sensitivity, where delivery date information is determined and provided. Since a customer or online user may specify system requirements or features, rather than the identity of individual components themselves, the configuration process is further simplified from the user’s perspective.

*House*, at col. 8, line 64 – col. 9, line 13.

In one exemplary embodiment of an online build-to-order system, the requirements of an integrated TMA system are entered by a user through a client software program such as a web browsers, and received by a server. The server analyzes the requirements and calculates a cost for the integrated system using a formula or algorithm and based on parameters such as materials cost, assembly time/cost and/or engineering services time, and business models. As part of this analysis, the server may select individual components to meet the user-defined requirements or features of the system.

*House*, at col. 10, lines 41-50.

The cited portions disclose a system for generating a price quote. *House* discloses an online price quote system that determines cost and delivery time based on the user order. *House* further discloses an online system that allows the user to vary component and system requirements to determine the cost or delivery time. *House* fails to disclose, in this or any other portion, receiving software requirements that specify capabilities needed by a plurality of users.

Thus, the Examiner has failed to state a *prima facie* obviousness rejection against amended claim 1, because the cited art fails to disclose “receiving software requirements for a given computer system from a plurality of users, wherein the software requirements specify capabilities of software needed by the plurality of users rather than identifying specific software components that will be required.”

**II.A.ii. The proposed combination of references, considered as a whole, does not teach or suggest the feature “identifying, by a provisioning server, a plurality of software components that currently exist and that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components” as is claimed in claim 1.**

The Examiner has failed to state a *prima facie* obviousness rejection against claim 1 because the proposed combination of references, considered as a whole, does not teach or suggest “identifying, by a provisioning server, a plurality of software components that currently exist and that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components.”

The Examiner cites to *House* at column 21, lines 36-56, which states:

An example of custom systems integration **212** of an integrated hardware system would be developing a test system that included off-the-shelf instruments, user supplied electronics and custom designed circuits and mechanics. An example of custom systems integration **214** of an integrated software system would be the assembly of a software program that used customer supplied graphics, customer supplied drivers, standard drivers, and custom developed application software. Pricing of a custom integrated and assembled integrated system may be provided as a quote to an online user **104** using any suitable formula or algorithm that takes into account materials cost, assembly cost, business expenses (such as overhead), profit margin, estimated development time, etc.

For pre-existing components, this may be done, for example, in a manner similar to that previously described for custom assembly category 202. For custom engineered components, an algorithm such as described below in relation to FIG. 8 may be employed. The total of pre-existing and engineered component costs may then be added to determine total system cost.

The cited portion of *House* teaches custom systems integration using user-supplied features. *House* discloses customer supplied graphics, customer supplied drivers, standard drivers, and custom developed application software. *House* discloses custom engineered components, as discussed above, requiring assembly by an engineering department. *House* fails to teach a provisioning server addressing constraints and affinities between software components. *House* cannot teach identifying a plurality of software components that currently exist and that will fulfill the software requirements because *House* does not teach or suggest receiving software requirements that specify needed software capabilities, as discussed above. *House* only teaches receiving a user's selection of specific components and specific configuration options, or specified system features.

Moreover, the presently claimed invention provides a method for allowing a provisioning server to fulfill the task of identifying which components and configuration options will meet the needed software capabilities specified by a user, instead of requiring the user to make those determinations. The presently claimed invention supports "the customer specification of disk images in terms of the customer's needs, rather than requiring the customer to list each and every software component what will be required in the disk image." Specification, page 7, lines 14-22.

*Kroening* does not cure the deficiencies of *House*. In rejecting claim 1, the Examiner believes *Kroening* teaches deployment of data processing systems with a specific set of software under the centralized control of a graphical user at col. 5, lines 15-31, which states:

The first step in the exemplary disk image delivery process involves entering a customer's order into an order entry system 15 to establish a bill of materials (BOM). The bill of materials includes a customer's selection of a desired software configuration for a particular computing system. Included within the bill of materials are hardware parameters of the computing system to be receiving the software configuration, including BIOS and CMOS settings plus other pertinent information as may be necessary, such as operating systems, drivers, utilities, application software, vendor software, and the like. A software configuration may also include the hardware settings, drivers, user-selected software, and the like as contemplated by a person of ordinary skill in the art. This information may be used by the image builder to create a digital image of the desired software configuration. [Emphasis added]

The cited portion discloses a process by which a user selects specific software components and configuration option for a build-to-order system. *Kroening* fails to teach or suggest a provisioning server identifying software components that will fulfill the user's software requirements. Furthermore, the

Examiner does not point to any portion of *Kroening* that teaches or suggests the features of a provisioning server identifying software components that will fulfill the software requirements while addressing constraints and affinities between the plurality of software components. Thus, *House* and *Kroening*, either alone or in combination, fails to teach or suggest “identifying, by a provisioning server, a plurality of software components that currently exist and that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components.”

**II.A.iii. The proposed combination of references, considered as a whole, does not teach or suggest the feature “identifying, by a provisioning server, a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components, wherein the provisioning server applies rules to the software requirements to identify the plurality of software components that comply with the software requirements”**

The Examiner has failed to state a *prima facie* obviousness rejection against claim 1 because the proposed combination of references, considered as a whole, does not teach or suggest “identifying, by a provisioning server, a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components, wherein the provisioning server applies rules to the software requirements to identify the plurality of software components that comply with the software requirements.”

In rejecting claim 1, the Examiner cites to *House* at col. 12, line 58-col. 13, line 22, which states:

Examples of system configuration options that may be provided through System Specific Systems and Services **110** and/or Key Account Systems and Services **112** include, but are not limited to, one or more individual hardware/software component types for inclusion in an integrated system either with each other or with a fixed or predefined sub-configuration of other hardware components, pre-set combinations or sub-combinations of two or more hardware/software component types for inclusion in the integrated system optionally with other individual hardware/software components, operating features or characteristics of the integrated system, and/or hardware/software features and/or components that require custom engineering.

When either of the configuration and ordering functionalities **110** or **112** is selected by an online user, a price quote for an integrated system and/or engineering service is generated automatically using information input by the user **104** by a formula specific to the classification of system or service selected by the online user. Using the appropriate formula, the price of system and/or service is calculated using variable such as materials cost, engineering services cost, cost of assembly and company business models. A delivery date may also be optionally included in the quote and may be calculated based on a formula that considers, for example, variables such as current manufacturing load and complexity of engineering service. It will be understood with benefit of this disclosure that the preceding price and delivery date variable are exemplary only and that fewer variables, or other variables not listed may be used in addition to, or as an alternative to, those variables listed.

The cited portion discloses an online user selecting a configuration or ordering functionality, thereby generating a price quote for a system selected by the online user. Configuration options are provided to an online user. However, *House* does not teach or suggest a provisioning server identifying a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components. *House* does not even mention a provisioning server. Nor does *House* address in the cited portion, or elsewhere, a respective plurality of configuration options that reflect current best practices. Additionally, *House* fails to disclose the feature “wherein the provisioning server applies rules to the software requirements to identify the plurality of software components that comply with the software requirements.”

Thus, the Examiner has failed to state a *prima facie* obviousness rejection against amended claim 1, because the cited art fails to disclose “identifying, by a provisioning server, a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components, wherein the provisioning server applies rules to the software requirements to identify the plurality of software components that comply with the software requirements.” Further, the combination of *House* and *Kroening* would not disclose a provisioning server identifying the configuration options that reflect current best practices with regard to the plurality of software components, as is claimed in amended claim 1.

**II.B. *The Proposed Combination Does not Teach or Suggest Generating, by a Disk Image Manufacturing Server, a Disk Image Using the Plurality of Software Components and the Plurality of Configuration Options, Wherein the Disk Image Contains said Plurality of Software Components Configured According to said Respective Plurality of Configuration Options***

The Examiner has failed to state a *prima facie* obviousness rejection against claim 1 because the proposed combination of references, considered as a whole, does not teach or suggest “generating, by a disk image manufacturing server, a disk image using the plurality of software components and the plurality of configuration options, wherein the disk image contains said plurality of software components configured according to said respective plurality of configuration options” The Examiner believes this



features is disclosed by *Kroening* at col. 5, lines 15-31, quoted above, and at col. 11, lines 50-59, which states the following:

**FIG. 6** illustrates an architecture of an exemplary disk image **600** as created by the image builder **20**. The image builder **20** builds the image **600** in software according to a desired software configuration and delivers that image to a storage device **30**. Sections of the disk image are discussed in the order in which they are presented in **FIG 6**. One skilled in the art will readily realize other embodiments of an image architecture are contemplated without departing from the spirit and scope of the present invention.

As discussed above, *Kroening* discloses a process by which a user selects the desired software components and configuration option for a build-to-order system. In the cited portion of col. 11, *Kroening* discloses creation of a disk image in accordance with the software configuration selected by the user in the cited portion of col. 5. *Kroening* does not teach or suggest a method for “generating, by a disk image manufacturing server, a disk image using the plurality of software components and the plurality of configuration options, wherein the disk image contains said plurality of software components configured according to said respective plurality of configuration options.” *Kroening* does not even mention receiving provisioning orders from a provisioning server in any process associated with generating a disk image. Moreover, *Kroening* fails to teach or suggest software requirements. Thus, *Kroening* also fails to teach generating a disk image using components and configuration options identified based on the software requirements. Thus, *Kroening* does not reach the presently claimed invention as claimed in amended claim 1.

Furthermore, *House* does not cure the deficiency of *Kroening* in regards to the feature of a disk image manufacturing server generating a disk image, as is claimed in amended claim 1 of the presently claimed invention. *House* teaches a system that accepts online orders for customized hardware or software components, then sends the orders to personnel or departments for manufacture or assembly. *House*, col. 11, lines 6-15. *House* discloses a system that requires human personnel for assembly and systems integration. *House* does not teach or suggest a disk image manufacturing server generating a disk image using the software components and configuration options selected by the provisioning server. Thus, *House* in view of *Kroening* fails to teach or suggest a method for “generating, by a disk image manufacturing server, a disk image using the plurality of software components and the plurality of configuration options, wherein the disk image contains said plurality of software components configured according to said respective plurality of configuration options.” Thus, *House* in view of *Kroening* fails to reach the presently claimed invention as claimed in amended claim 1.

Therefore the rejection of claim 1 under 35 U.S.C. § 103 has been overcome.

## II.C. *The Examiner Fails to State a Sufficient Reason to Modify the Reference*

The Examiner failed to state a sufficient reason to modify *House* in view of *Kroening* under the standard of *In re Fritch* because the Examiner's proposed reason for modifying the cited art provides no rational underpinning to support a legal conclusion of obviousness. Additionally, the Examiner failed to state a *prima facie* obviousness rejection against claim 1 because the Examiner failed to state a proper reason to combine the references under the standards of *KSR Int'l.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007) (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

Regarding a reason to combine the references, the examiner states that:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of *House* to incorporate the features of generating a disk image containing said plurality software components configured according to said respective plurality of configuration options because this allows a hard drive to be configured with an image of the desired software configuration before installation into a computer system [col. 8, lines 37-55 of *Kroening*].

Office Action dated September 6, 2007, p. 5.

The Examiner offers an advantage as the stated reason for modifying the teachings of *House* in view of *Kroening* in the manner proposed by the Examiner. Specifically, the Examiner proposes modifying the cited art because it would allow a hard drive to be configured with an image of the desired software configuration before installation into a computer system. However, the Examiner fails to provide a sufficient reason to modify *House* in view of *Kroening* because the Examiner merely offers a possible advantage for the modification without providing any reason for the modification. In particular, the Examiner does not provide any reason for modifying *House* in view of *Kroening* to allow a hard drive to be configured with an image of the desired software configuration, where neither *House* nor *Kroening* teach all of the features of amended claim 1.

As shown above, *House* and *Kroening*, either alone or in combination, fails to teach or suggest each and every feature of claim 1. The Examiner's statement does not correct the deficiencies in the asserted combination. Therefore, the asserted reason to combine the references is insufficient under the standards of *KSR Int'l.* to state a *prima facie* obviousness rejection. Accordingly, the Examiner failed to state a *prima facie* obviousness rejection against claim 1.

Even if, *arguendo*, this constitutes a sufficient reason to combine the references to allow a hard drive to be configured with an image of the desired software configuration before installation into a computer, neither *House* nor *Kroening* teaches or suggests a provisioning server identifying the desired software configuration from software requirements that are capabilities needed by the users rather than

specific configurations and components. Neither reference teaches, suggests, or even mentions a provisioning server identifying a specific configuration based on software requirements. Moreover, the Examiner has provided no reason or rationale to combine and modify the references in the manner required to reach the invention in amended claim 1. In addition, it would not have been predictable to modify the cited references to identify, by a provisioning server, the software components and configuration options that will meet the software requirements received from a plurality of users. Thus, the Examiner's reason for modifying *House* in view of *Kroening* provides an insufficient basis for modifying the teachings of the cited art in the manner necessary to reach each and every feature of amended claim 1, especially in light of the large differences that exist between *House* in view of *Kroening* and amended claim 1.

#### **II.D. *House* Teaches Away from the invention of Claim 1**

*House* teaches away from the presently claimed invention in amended claim 1 because *House* directs one to create a system that allows individual users to select specific components and configuration options, rather than receiving software requirements from users that specify needed capabilities and identifying, by a provisioning server, the appropriate software components and configuration option based on those requirements, as in the presently claimed invention in amended claim 1. Therefore, one of ordinary skill in the art would not have been motivated to modify *House* in the manner necessary to reach the invention in amended claim 1 because *House* teaches away from the invention claimed in amended claim 1. Thus, when all the great differences in the cited art are combined, the cited art provides no teachings or suggestions for a provisioning server receiving software requirements from a plurality of users and determining software components and configuration options based on those requirements, as in the presently claimed invention in amended claim 1. Thus, amended claim 1 is not obvious over *House* in view of *Kroening*.

The two cited references both teach a customer-controlled selection of components and configuration options. *House*, col. 14, lines 16-37; *Kroening*, col. 8, lines 37-55. In contrast, the presently claimed invention is a provisioning server that receives software requirements that specify needed software capabilities from the customer(s) and then identifies the software components and configuration options that will fulfill the needed software capabilities of a plurality of users.

Moreover, even if one were to combine the teachings of *House* and *Kroening*, the resulting combination would not disclose all of the features of the presently claimed invention. The combination would not disclose “receiving software requirements for a given computer system from a plurality of users, wherein the software requirements specify capabilities of software needed by the plurality of users rather than identifying specific software components that will be required, and identifying, by a

provisioning server, a plurality of software components that currently exist and that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components.” The combination would not permit receiving software requirements that specify software capabilities, and identifying, by a provisioning server, software components and configuration options that meet those requirements. Rather, the combination of *House* and *Kroening* would teach a system requiring users to enter specific components and specific configurations. Therefore, the combination of *House* in view of *Kroening* would not reach the presently claimed invention.

For these reasons, it is respectfully submitted that the rejection of obviousness vis-à-vis amended claim 1 has been overcome.

### **III. 35 U.S.C. § 103, Asserted Obviousness, Independent Claims 19 and 34**

Independent claims 19 and 34 have similar features to those presented in claim 1. Therefore, claims 19 and 34 are non-obvious at least for the reasons set forth above.

### **IV. 35 U.S.C. § 103, Asserted Obviousness, Dependent Claims**

If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefore is also non-obvious by virtue of their dependency. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 2, 4-18, 20-33, 35-47, 49, and 50 depend from claims 1, 19, and 34. Applicants have already demonstrated that claims 1, 19, and 34 are not obvious and therefore in condition for allowance. Therefore, at least by virtue of their dependency on claims 1, 19, and 34, claims 2, 4-18, 20-33, 35-47, 49, and 50 are not obvious over *House* in view of *Kroening*.

Moreover, dependent claim 6 recites additional features not taught by the cited art. For example, dependent claim 6 recites “wherein the rules include rules specifying installation options regarding a particular software component.” In his rejection of claim 6, the Examiner cites to *House* at col. 20, lines 25-50, which discloses custom assembly of an integrated system based on specifications made by an online user. *House* teaches a user-specified installation of user-selected software components. *House* at col. 20, lines 25-35. *House* does not teach or suggest “rules specifying installation options regarding a particular software component.” Thus, *House* fails to disclose the features of claim 6.

As shown above, *House* in view of *Kroening* fails to teach or suggest all of the features of claims 1, 2, 4-47, 49, and 50. Therefore, the proposed combination and modification of the cited references when considered together as a whole does not teach or suggest all of the features of claims 1, 2, 4-47, 49, and 50. Therefore, it is respectfully submitted that the rejection of claims 1, 2, 4-47, 49, and 50 under 35 U.S.C. § 103 has been overcome, and that all claims are now in condition for allowance.

V. Conclusion

It is respectfully urged that the subject application is patentable over *House* in view of *Kroening* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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